

REMARKS

Claims 55-56, 58-59 and 61-62 are amended. Claims 55-67 are pending in the application.

Claims 55-58 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner indicates that the claim 55 recited limitation of capacitor containers disposed at least partially over a first conductive line or a second conductive line does not clearly define whether the corresponding container is disposed only over one of the conductive lines or over both of the conductive lines in the pair of conductive lines. Without admission as to the propriety of the Examiner's rejection, claim 55 is amended to recite a first container disposed at least partially over only the first conductive line and a second container disposed at least partially over only a second conductive line. Accordingly, independent claim 55 and its dependent claims 56-58 are in compliance with § 112, second paragraph. Applicant therefore requests withdrawal of the § 112, second paragraph, rejection of such claims in the Examiner's next action.

Claim 56 stands additionally rejected under 35 U.S.C. § 112, second paragraph, as being unclear since line 4 recites "forming a second opening over within the masking layer". Claim 56 is amended to clarify that the second opening is formed within the masking layer. Applicant therefore requests withdrawal of the § 112, second paragraph, rejection of claim 56 in the Examiner's next action.

Claims 55-67 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cho, U.S. Patent No. 6,448,145. In accordance with MPEP § 2131 anticipation requires each and every element of a claim to be disclosed in a single prior art reference. Claims 55-67

are allowable over Cho for at least the reason that Cho fails to disclose each and every limitation in any of those claims.

As amended, independent claim 55 recites a node location disposed between a first conductive line and a second conductive line, and forming capacitor containers in electrical communication with the node where the capacitor containers consist of a first container disposed at least partially over a first conductive line and a second container disposed over only the second conductive line. The amendment to claim 55 is supported by the specification at, for example, page 7, lines 7-18. Cho specifically indicates that the capacitor in accordance with the invention “includes storage node electrodes each having a cylindrical structure in which three cylinders overlap per storage node in a longitudinal axis direction and two cylinders overlap in the transverse axis direction” (col. 6, ll. 41-46; and Figs. 4 and 5). Accordingly, Cho does not disclose the claim 55 recited capacitor containers in electrical communication with the node location where the capacitor containers consist of a first container and a second container. Therefore claim 55 is not anticipated by Cho and is allowable over this reference.

Claims 56 and 58 are amended to properly depend from independent claim 55. Dependent claims 56-58 are allowable over Cho for at least the reason that they depend from allowable base claim 55.

As amended, independent claim 59 recites forming a contact structure disposed between two conductive lines which extends elevationally and laterally outward over and contacting an uppermost surface of each of the two conductive lines. The amendment to claim 59 is supported by the specification at, for example, Fig. 4 and the accompanying text at page 5, line 19 through page 6, line 2. The Cho disclosure does not disclose the

claim 59 recited contact structure extending laterally outward over and in contact with an uppermost surface of each of two conductive lines. Accordingly, claim 59 is not anticipated by Cho and is allowable over this reference.

Dependent claim 61 is amended to properly depend from independent claim 59. Dependent claims 60 and 61 are allowable over Cho for at least the reason that they depend from allowable base claim 59.

As amended, independent claim 62 recites a first storage capacitor in electrical communication with a first node location, comprising capacitor containers consisting of first and second containers. Claim 62 further recites forming a second storage capacitor in electrical communication with the second node location and comprising capacitor containers consisting of third and fourth containers. Independent claim 62 is allowable over Cho for at least reasons similar to those discussed above with respect to independent claim 55.

Dependent claims 63-67 are allowable over Cho for at least the reason that they depend from allowable base claim 62.

For the reasons discussed above, pending claims 55-67 are allowable. Accordingly, applicant respectfully requests formal allowance of such pending claims in the Examiner's next action.

Respectfully submitted,

Dated:

July 20, 2005

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